

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>JOHN H. BENGE,</b>	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 05-550-GMS
	:	
<b>RICK KEARNEY,</b> Warden,	:	
<b>M. JANE BRADY,</b> Attorney General	:	
of the State of Delaware	:	
	:	
Respondents.	:	

**NOTICE OF FILING OF STATE COURT RECORDS**

1. Respondents file herewith certified copies of the following Delaware Supreme Court documents in *John H. Benge v. State of Delaware*, No. 137, 2004:
  - a. the appellant's opening brief and appendix;
  - b. the State's answering brief
  - c. and the Court's order dated November 12, 2004.

\_\_\_\_\_  
/s/  
Thomas E. Brown  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar ID# 3278  
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Date: December 28, 2005

**CERTIFICATE OF SERVICE**

The undersigned, being a member of the Bar of this Court, hereby certifies that on December 28, 2005 he caused to be electronically filed a Notice of Filing of Certified State Court Records with the Clerk of the Court using CM/ECF and caused to be hand delivered paper copies of the records listed therein with the Clerk's Office. I hereby certify that on December 28, 2005 I have also caused to be mailed by first class U.S. Mail two copies of the document (and the records listed therein) to the following non-registered participant, the petitioner:

John H. Benge (No. 494395)  
Sussex Correctional Institute  
P.O. Box 500  
Georgetown, DE 19947.

/s/ \_\_\_\_\_  
Thomas E. Brown (ID# 3278)  
Deputy Attorney General  
Del. Dept. of Justice  
  
Counsel for Respondents

Date: December 28, 2005